

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:01CR113
)
v.)
)
DAMION WELLS,) ORDER
)
Defendant.)
_____)

This matter is before the court on the defendant, Damion Wells' ("Wells"), motion for reduction of sentence pursuant to 18 U.S.C. § 3582 (C)(2), Filing No. 149, and counsel for defendant, David Stickman's, motion to withdraw as attorney, Filing No. 152. On January 25, 2002, Wells was found guilty by a jury on one count of possession with intent to distribute at least 50 grams of cocaine, in violation of 21 U.S.C. § 841(a)(1) and one count of possession of a firearm during a drug trafficking crime, in violation of 18 U.S.C. § 924(c). On April 26, 2002, Wells was sentenced to a term of imprisonment of 120 months. Under 21 U.S.C. § 841(b)(1)(A)(iii), the defendant is subject to a ten-year minimum sentence and, therefore, his sentence of 120 months is the lowest possible sentence under the requirements of the statute. The recent changes to the sentencing guidelines do not permit the court to enter a sentence lower than the statutory requirements, and thus, the defendant's motion for sentence reduction is denied.

Additionally, because there are no non-frivolous claims for relief, David Stickman's motion to withdraw is granted.

IT IS ORDERED:

1. That Damion Wells' motion for reduction of sentence pursuant to 18 U.S.C. § 3582 (C)(2) (Filing No. 149) is denied; and
2. The motion to withdraw as attorney (Filing No. 152) is granted.

DATED this 19th day of June, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge